

## **REMARKS**

This amendment is in reply to the final Office Action mailed October 23, 2006. Previously, Claims 24-35 were pending. In the instant amendment, Claims 24, 25, 26, 28, 29, 32 and 35 have been amended. Claims 36-55 have been added. After entry of the instant amendment, Claims 24-55 will be pending and under consideration.

### **I. THE AMENDMENTS TO THE CLAIMS**

Claims 24, 25, 26, 28, 29, 32 and 35 have been amended. Support for the amendments to Claims 24 and 29 can be found in the specification, for example, in paragraphs [00142]-[00145] at pages 43-44. Support for the amendments to Claims 26 and 32 can be found in the specification, for example, in paragraph [00117] at page 37.

Claims 36-55 have been added. Support for new Claims 36-37 can be found in the specification, for example, in paragraphs [00119]-[00124] at pages 37-39. Support for new Claims 38-39 can be found in the specification, for example, in paragraphs [00288]-[00291] at pages 85-86. Support for new Claims 40-41 can be found in the specification, for example, in paragraphs [00119]-[00124] at pages 37-39.

Support for new Claim 42 can be found in the specification, for example, in paragraphs [00142]-[00145] at pages 43-44. Support for Claim 43 can be found in the specification, for example, at paragraphs [00283]-[00287] at pages 84-85. Support for Claim 44 can be found in the specification, for example, in paragraph [00117] at page 37. Support for Claim 45 can be found in the specification, for example, in paragraphs [00114]-[00115] at page 36. Support for new Claims 46-47 can be found in the specification, for example, in paragraphs [00288]-[00291] at pages 85-86. Support for Claim 48 can be found in the specification, for example, in paragraph [00172] at page 52.

Support for Claim 49 can be found in the specification, for example, in paragraphs [00142]-[00145] at pages 43-44. Support for Claims 50-51 can be found in the specification, for example, in paragraph [00022] at pages 6-7. Support for Claim 52 can be found in the specification, for example, at paragraphs [00283]-[00287] at pages 84-85. Support for Claim 53 can be found in the specification, for example, in paragraph [00117] at page 37. Support for Claim 54 can be found in the specification, for example, in paragraphs [00114]-[00115] at page 36. Support for Claim 55 can be found in the specification, for example, in paragraph [00172] at page 52.

Applicants respectfully submit that the amendments to the claims do not introduce any new matter and are fully supported by the specification and claims as originally filed. Entry and consideration of the amendments are respectfully requested.

## **II. THE REJECTION OF CLAIMS 24-35 UNDER 35 U.S.C. § 101**

Claims 24-35 stand rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Specifically, the Patent Office alleges that the step of “determining whether a test molecule that interacts *in vitro* with (i) a nucleic acid having a nucleotide sequence of SEQ ID NO:1 or (ii) a protein having an amino acid sequence of SEQ ID NO:2 reduces fat deposition” recited by Claims 24 and 29, constitutes a purely mental step and thus the claimed invention does not contain patentable subject matter. The Patent Office provides examples of positive assay steps that could be recited.

Claims 24 and 29 have been amended to recite, in relevant parts, “contacting a test molecule with a PLA2G1B nucleic acid comprising the nucleotide sequence of SEQ ID NO:1; and detecting interaction between the test molecule and the nucleic acid.” In view of the amendments to the claims, Applicants respectfully submit that Claims 24 and 29 as amended recite positive assay steps and thus are directed to patentable subject matter. Thus, the withdrawal of the rejection of Claims 24-35 under 35 U.S.C. § 101 is respectfully requested.

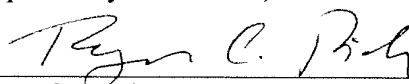
## **CONCLUSION**

In light of the above amendments and remarks, the Applicants respectfully request that the Patent Office reconsider this application with a view towards allowance.

No fees, other than that for the Petition of Extension of Time and the Request to Continued Examination, are believed to be due with this paper. However, the Commissioner is hereby authorized to charge any required fee to Jones Day Deposit Account No. 50-3013 (167471-999008).

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Respectfully submitted,

  
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